

# Order

Michigan Supreme Court  
Lansing, Michigan

December 21, 2009

Marilyn Kelly,  
Chief Justice

138909 & (16)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 138909  
COA: 289989  
Genesee CC: 04-013303-FC

ADRIAN DEON BANKS,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the April 24, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration under the standard for direct appeals, because the defendant was deprived of his direct appeal as a result of constitutionally ineffective assistance of counsel. See *Roe v Flores-Ortega*, 528 US 470, 477; 120 S Ct 1029; 145 L Ed 2d 985 (2000); *Peguero v United States*, 526 US 23, 28; 119 S Ct 961; 143 L Ed 2d 18 (1999). The motion to remand is DENIED as moot.

We do not retain jurisdiction.



s1214

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 21, 2009

*Corbin R. Davis*

Clerk